IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 11818 of 2003

Between:

Smt. Sree Ramoji Sridevi, w/o Anjaneyulu, aged 30 years, Fair Price shop dealer of Shop No.3510, Mallareddypet Village, Gambhiraopet Mandal, Karimnagar District.

..... PETITIONER

AND

1.The Revenue Divisional Officer, Siricilla., Karimnagar District.
2.The Mandal Revenue Officer, Gambhiraopet Mandal, Karimnagar District.

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more in the nature of Writ of CERTIORARI call for the records relating to the impugned proceedings No.C/53/2003 dated 10-6-2003 issued by the first respondent and quash the same by duly declaring the proceedings issued by the first respondent stating that one person should not discharge/function two posts as per provisions of A.P.P.D.S.Control Order, 2001 as such any one of the post should be resigned voluntarily within 7 days, otherwise the authorisation of dealer would be cancelled permanently without any notice as illegal, arbitrary and contrary to the provisions of A.P.State Public Distribution System (Control) Order, 2001 and consequently direct the respondents herein to allow the petitioner to continue to hold two posts i.e.,Fair Price Shop dealer as well as Anganwadi Worker as the Anganwadi Worker post does not amount that the petitioner being elected to any public office.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following ORDER:

The petitioner herein was appointed as fair price shop dealer of shop No.3510 of Mallareddipet village, Gambhiraopet Mandal, Karimnagar District in the year 1996. Since then, she has been distributing the essential commodities to the cardholders. Subsequent to the said appointment, the petitioner was also appointed as Anganwadi worker in the year 2000. In view of the complaint made by the villagers, petitioner was served with the impugned notice dated 10.06.2003. Initially, the petitioner was served with show cause notice dated 22.01.2003 calling upon her why the authorization granted in her favour should not be cancelled, as the petitioner cannot continue in two posts. The petitioner submitted her explanation and having not satisfied with the explanation so offered, the impugned order came to be passed and called upon the petitioner to voluntarily resign one post and if she failed to do so, the authorization of the petitioner would be cancelled. Questioning the same, the present writ petition is filed and this Court by order, dated 03.07.2003 in WPMP No.14710 of 2003 suspended the impugned notice.

Learned counsel for the petitioner now submits that since the petitioner does not want to continue in two posts, she tendered her resignation to the post of Anganwadi worker on 31.10.2003. It is not known whether the same is accepted or not.

In view of the petitioner relinquishing the post of Anganwadi worker, there is no impediment for the respondents to continue the petitioner as fair price shop dealer. In view of the petitioner's compliance with the notice, necessary orders should be passed for continuation of the petitioner as fair price shop dealer, taking into consideration of the resignation submitted by her to the post of

Anganwadi worker.

Accordingly, the writ petition is disposed of. No costs.

_____

22ND JUNE, 2004.

*Nsr/Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Revenue Divisional Officer, Siricilla., Karimnagar District.
2.The Mandal Revenue Officer, Gambhiraopet Mandal, Karimnagar District.
3. Two CCs to G.P for Civil Supplies, High Court Buildings, Hyderabad (OUT)
4. Two CD copies.